



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE April 8, 2016 LOCAL EFFECTIVE DATE April 22, 2016 APPROX FINAL EFFECTIVE DATE May 13, 2016	CONTACT/PHONE Cody Scheel, Project Planner (805) 781-5157 cscheel@co.slo.ca.us	APPLICANT Maurice & Joy Montoya	FILE NO. DRC2015-00064
SUBJECT A request by MAURICE & JOY MONTOYA for a Minor Use Permit / Coastal Development Permit (DRC2015-00064) to allow for the construction of a two-story, 2,158 square foot single-family dwelling with an attached 583 square foot garage, 103 square foot balcony, and 480 square foot roof deck. The proposed project will result in the disturbance of the entire 2,996 square foot vacant parcel. The proposed project is within the Residential Multi-Family land use category and is located on York Avenue, approximately 110 feet east of the intersection of Strand Way and York Avenue, in the community of Oceano. The site is in the San Luis Bay (Coastal) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit / Coastal Development Permit DRC2015-00064 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on February 25, 2016 (ED15-204).			
LAND USE CATEGORY: Residential Multi- Family	COMBINING DESIGNATION Local Coastal Program Area, Coastal Appealable Zone, Small Scale Neighborhood, Archaeological Sensitive Area, Airport Review Area	ASSESSOR PARCEL NUMBER 061-062-012	SUPERVISOR DISTRICT 4
PLANNING AREA STANDARDS: Airport Review Area & Small Scale Neighborhood <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone) Section 23.04.100 – Setbacks Section 23.04.160 – Parking Section 23.04.180 – Landscape, Screening, and Fencing Section 23.05.106 – Curbs, Gutters and Sidewalks Section 23.07.104 – Archeologically Sensitive Area Section 23.07.120 – Local Coastal Program Area <i>Does the project conform to the Land Use Ordinance Standards: Yes – see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

EXISTING USES:

Vacant Lot

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Multi-Family / residences

East: Residential Multi-Family / residences

South: Residential Multi-Family / residences

West: Residential Multi-Family / residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Airport (Oceano), California Coastal Commission & Oceano Advisory Council

TOPOGRAPHY:

Nearly level

VEGETATION:

Ice plant, grasses

PROPOSED SERVICES:

Water supply: Community System / Oceano CSD

Sewage Disposal: Community System / Oceano CSD

Fire Protection: Five Cities Fire Authority

ACCEPTANCE DATE:

February 25, 2016

DISCUSSION

PLANNING AREA STANDARDS

Airport Review Area

Limitation on uses within Airport Review Area: Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan (ALUP). All permit applications for sites within the boundary of the adopted Oceano County Airport Land Use Plan are subject to the development standards set forth in that plan.

Staff Response: The project was referred to the Airport Land Use Committee and is required to obtain an Avigation easement. The project was also required to undergo review by the Federal Aviation Administration (FAA). The FAA is requiring a Notice of Actual Construction or Alteration any time the project is abandoned, or within 5 days after the construction reaches its greatest height. The project is conditioned to obtain an Avigation easement to meet the applicable standards of the Oceano Airport Land Use Plan, and is also conditioned to meet the FAA requirement. (Oceano Airport Land Use Committee, December 3, 2015).

Oceano Beach

Structures shall not exceed 25 feet.

Staff Response: The proposed project is 24'-11" in height and complies with this standard.

Small Scale Neighborhood

As defined by section 23.11.030, "Small Scale Neighborhoods" are "neighborhoods that have a primary use by residents and a secondary use by the general public using access ways to scenic shoreline areas". In Oceano the Small Scale Neighborhood designation includes: Residential Single-Family and Multi-Family categories west of Highway One. This designation is to ensure that new development is compatible with the small scale neighborhood uses.

Staff Response: This project proposes a new single family residence and therefore complies with this standard.

LAND USE ORDINANCE STANDARDS

Section 23.01.043(c)(1) – Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the proposed development is within 300 feet of Pismo State Beach.

Section 23.04.100 – Setbacks

Front setbacks shall be 25 feet from the front property line. The side setbacks shall be 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area. The rear setback shall be 10 feet from the rear property line.

Staff Response: The width of the lot is 30 feet; therefore the side setbacks shall be 3 feet. The proposed side setbacks are slightly over 3 feet, the proposed rear setback is slightly over 10 feet, and the proposed front setback is slightly over 25 feet. The project complies with the setbacks.

Section 23.04.160 – Parking

Two parking spaces are required for single family dwellings. Required parking spaces may not be located within the required front setback, except in a Residential Multi-Family category qualifying for medium or high-intensity development.

Staff Response: The proposed project includes a two-car garage and complies with this standard.

Section 23.04.180 – Landscape, Screening, and Fencing

The purpose of landscape, screening and fencing standards are to: provide areas which can absorb rainfall to assist in reducing storm water runoff; control erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide visual privacy, while recognizing the need to use water resources as efficiently as possible.

Staff Response: This project has been conditioned to comply with this standard.

Section 23.05.106 – Curbs, Gutters and Sidewalks

Curb Gutter and Sidewalk is required with any project in the Residential Multi-Family category within the urban reserve line.

Staff Response: This project is conditioned to comply with this standard.

Combining Designations

Section 23.07.104 – Archeologically Sensitive Area

The proposed project falls within the Archeologically Sensitive combining designation as delineated by the official maps of the Land Use Element. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

Staff Response: An archaeological surface survey was submitted for this project (LSA Associates, Inc., October 19, 2015). The survey produced negative results, and was recommended that no further archaeological studies should be required. However, a condition of approval requiring construction to cease in the event materials are discovered is required with this project.

Section 23.07.120 – Local Coastal Program Area

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: N/A
Agriculture: N/A
Public Works: ☒ Policy No(s): 1 & 7
Coastal Watersheds: ☒ Policy No(s): 7, 8, & 10
Visual and Scenic Resources: ☒ Policy No(s): 1, 2 & 6
Hazards: ☒ Policy No(s): 1
Archeology: ☒ Policy No(s): 4
Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Public Works

Policy 1 – Availability of Service Capacity

New development shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

Staff Response: The project is consistent with this policy because the proposed project will be served by the Oceano Community Services District, and the project is conditioned to submit evidence from Oceano CSD that there is adequate water and sewer service to serve the proposal.

Policy 7 – Permit requirements

A permit is required for projects within the coastal zone.

Staff Response: The applicant is requesting approval of a Minor Use Permit / Coastal Development Permit, consistent with the requirements of this policy.

Coastal Watersheds

Policy 7 – Siting of New Development

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff Response: The proposed project complies with this policy as the development will take place on an existing lot of record in the Residential Multi-Family land use category and the development will be situated on slopes of less than 20 percent.

Policy 8 – Timing of new construction and Grading

Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems.

Staff Response: The project is consistent with this policy because the proposed project is conditioned to comply with this policy as the project shall have an erosion and sedimentation control plan where grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 10 – Drainage Provisions

Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff Response: The proposed project is conditioned to comply with this policy as the applicant shall provide a drainage plan to San Luis Obispo County Public Works department for approval, and shall implement the approved drainage plan, displaying that construction of the new residence will not increase erosion or runoff.

Visual and Scenic Resources

Policy 1 – Protection of Visual and Scenic Resources

Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved and protected, and in visually degraded areas restored where feasible.

Staff Response: The proposed project complies with this policy as the project will be developed on an existing, nearly level lot. The lot is within a developed section of Oceano and shall be in character and scale with the surrounding neighborhood, and will not significantly block existing scenic vistas.

Policy 2 – Site Selection for New Development

Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors.

Staff Response: The proposed project complies with this policy as the new residence will be developed between other two-story residences, and will block public views.

Policy 6 – Special Communities and Small-Scale Neighborhoods

Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

Staff Response: The proposed project is consistent with this policy, as project is located within the Oceano Small Scale Neighborhood area and is designed and sited to complement and be visually compatible with existing characteristics of the community.

Hazards

Policy 1 – New Development

All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure.

Staff Response: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property, and is not located along the shoreline.

Archaeology

Policy 4 – Preliminary Site Survey for Development within Archaeologically Sensitive Areas

The County shall provide for the protection of both known and potential archaeological resources.

Staff Response: The proposed project is consistent with this policy because an archaeological surface survey was submitted for this project (LSA Associates, Inc., October 19, 2015). The survey produced negative results, and was recommended that no further archaeological studies should be required. However, a condition of approval requiring construction to cease in the event materials are discovered is required with this project.

COMMUNITY ADVISORY GROUP COMMENTS:

The Oceano Advisory Council had no concerns about the new residence itself, but they want to make sure that curb, gutter and sidewalk (C,G & S) are put in because it is surrounded by C,G & S and want to make sure this completes the projects portion of roadway. They also wanted to make sure that there was enough parking for a 4-bedroom house, and they don't want alley parking to block the alley, and would like to see a condition that the garage cannot be converted to storage or any other use so that it remains available for vehicles.

Staff Response: The proposed project is conditioned to install curb, gutter and sidewalk. The project has enough parking for a four bedroom residence since it consists of a 2-vehicle and possible overflow parking in the driveway. The project also has a condition that the garage cannot be converted to storage or any other use so that it remains available for vehicles.

AGENCY REVIEW:

Public Works – Recommend approval with conditions, per referral response dated December 4, 2015.

Airport (Oceano) – Per referral response dated December 3, 2016, any construction needs to be reviewed by the FAA to ensure no obstructions are created, and an Avigation easement should be obtained.

California Coastal Commission – No comments received.

LEGAL LOT STATUS:

The existing lot was legally created by recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Cody Scheel and reviewed by Karen Nall.